

By 

 B. No. 1128

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Water Commission to review and modify water rights granted by the commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.153 to read as follows:

Sec. 11.153. REVIEW OF WATER RIGHTS; HEARING. (a) The commission, on its own motion or on the motion of the executive director, may review the terms of a permit, certified filing, certificate of adjudication, or amendment to any of those instruments to determine whether the water right should be modified to conserve or protect state water, the quality of state water, instream uses, beneficial inflows into bays and estuaries of the state, fish and wildlife habitats, or other natural resources of the state.

(b) Before the 30th day before the date that the commission reviews a water right under this section, the commission shall:

(1) publish notice of the date, time, place, and subject matter of the review at least once in one or more newspapers of general circulation in the area in which the water right is located; and

(2) send written notice by certified mail, return receipt requested, to the record owner of the water right at the last address shown by commission records, providing a summary of

1 the motion to review the water right, a general description of the  
2 issues to be considered, and the date, time, and place of the  
3 review.

4 (c) If, before the date of the review, the owner of the  
5 water right or an interested party requests a hearing on the  
6 matter, the commission shall, in conjunction with the review, hold  
7 a hearing on the matter and give all interested parties an  
8 opportunity to be heard and to present evidence on issues relating  
9 to the proceeding.

10 (d) If, after any requested hearing and a review under this  
11 section, the commission determines that the water right should be  
12 modified to accomplish one or more of the purposes described in  
13 Subsection (a) of this section, the commission shall issue an  
14 amendment to the permit, certified filing, or certificate of  
15 adjudication containing the necessary modification.

16 (e) The commission shall adopt rules necessary to implement  
17 this section.

18 SECTION 2. This Act takes effect September 1, 1989.

19 SECTION 3. The importance of this legislation and the  
20 crowded condition of the calendars in both houses create an  
21 emergency and an imperative public necessity that the  
22 constitutional rule requiring bills to be read on three several  
23 days in each house be suspended, and this rule is hereby suspended.

**H. B. No.**

By

**AN ACT**

relating to the authority of the Texas Water Commission to review and modify water rights granted by the commission.

**1. Filed with the Chief Clerk.**

**2. Read first time and Referred to Committee on**

## Natural Resources

3. Reported \_\_\_\_ favorably (as amended) and sent to Printer at \_\_\_\_\_  
                                    (as substituted)

4. Printed and distributed at \_\_\_\_\_

5. Sent to Committee on Calendars at

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, \_\_\_\_\_ present, not voting).

**10. Caption ordered amended to conform to body of bill.**

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

**13. Engrossed.**

14. Returned to Chief Clerk at \_\_\_\_\_

**15. Sent to Senate.**

**Chief Clerk of the House**

## 16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

**18. Reported favorably**

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

**20. Ordered not printed.**

21. Regular order of business suspended by \_\_\_\_\_  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments,  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)  
(Substitute) by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_